

REMARKS

Receipt of the Office Action of September 22, 2005 is gratefully acknowledged.

The prior election of claims 10 - 15 is affirmed.

The specification has been carefully reviewed and corrected where necessary. the drawings have been reviewed and found to correspond to the description in the specification. The reference characters mentioned in the specification can be found in the drawings.

The objection to claims 12 and 13 is noted. These claims have been amended to remove this objection.

The following rejections of claim 10 are noted:

- 1) anticipation under 35 USC 102(b) by Moss;
- 2) anticipation under 35 USC 102(b) by Mackey;
- 3) anticipation under 35 USC 102(b) by Volk, Jr. et al; and
- 4) anticipated under 35 USC 102(b) by JP 7-198554.

are noted and respectfully traversed.

The rejection of claims 11, 12, 14 and 15 as unpatentable under 35 USC 103(a) over Moss, Mackey, Volk, Jr. et al or JP 7-198554 in view of Wilmer et al is noted and also respectfully traversed.

The rejections of claim 10 are quite lengthy, but nevertheless miss the point of claim 10. Claim 10 requires that the first and second fluid lines **flow into** the

third fluid line. In Moss the flows are into a measuring chamber 14 not into the line 14, which the examiner categorizes as line three. Without this teaching, it is not seen how Moss can anticipate claim 10 since 35 USC 102 requires that ***all claimed limitations*** be met by the single reference.

A similar conclusion is reached when considering Mackey, Volk, Jr. et al, and JP 7- 198554, at least to the extent that JP 7 -198554 can be understood. In fact a third line is not even seen in JP 7-198554. In Mackey and Volk, Jr, et al the flows are again not directed into a third line but into a mixer 10 (Mackey) and hopper 22 (Volk, Jr. et al). Directing a flow into a container is ***not the same*** as directing it intermittently into a third line, as is done in the present invention.

As to the rejection under 35 USC 103(a), the new reference in the combination is Wilmer et al, and Wilmer et al also lacks a teaching of directing a flow into a third line from the first and second line. Accordingly, the combination proposed by the examiner, however viewed, lacks the essential teaching required. If none of the references provides the necessary teaching, then certainly there combination will not either.

These references basically teach flow from a line into some form of container when a connection is made for that particular line with the other lines disconnected. See Moss at col. 5, line 66 to col. 6, line 10ff; Mackey at col. 3, lines 25 - 53 and Volk, Jr. et al at col. 5, lines 17 - 38. None of the references of record disclose a fluid mixing system with first and second fluid lines alternately connected to a third fluid line for conducting a fluid mixture produced from first and second fluids conducted in the first and second fluid lines, respectively.

To complete the definition of the present invention, new claims 16 - 33


U.S. Pat. Appl. 10/633,599

have been added. These claims are in dependent form depending from claims which are believed to patentably distinguish over the art of record for the reasons noted above.

In view of the foregoing, reconsideration and re-examination are respectfully requested and claims 10 - 33 found allowable.

Date: February 22, 2006

Respectfully submitted,
BACON & THOMAS, PLLC



Felix D. Ambrosio
Registration No: 25,721

Customer Number *23364*
BACON & THOMAS
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314
Phone: (703) 683-0500

S:\Producer\jfd\CLIENTS\Endress+Hauser Holding GmbH\BREI3001\Feb 22 2006 Response.wpd